

1 Caroline Van Ness (Bar No. 281675)
caroline.vanness@skadden.com
2 SKADDEN, ARPS, SLATE, MEAGHER &
FLOM LLP
3 525 University Avenue
Palo Alto, California 94301
4 Tel: (650) 470-4500

5 Karen Hoffman Lent (admitted pro hac vice)
karen.lent@skadden.com
6 Evan Kreiner (admitted pro hac vice)
evan.kreiner@skadden.com
7 SKADDEN, ARPS, SLATE, MEAGHER &
FLOM LLP
8 One Manhattan West
New York, NY 10001
9 Tel: (212) 735-3000

10 | *Counsel for Non-Party Apple Inc.*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

15 MAXIMILIAN KLEIN, et al., on behalf
of themselves and all others similarly situated,

16 Plaintiffs,

17 | P a g e

18 META PLATFORMS, INC., a Delaware Corporation,

Defendant.

Case No. 3:20-cv-08570-JD

**DECLARATION OF CATHERINE
SPEVAK IN SUPPORT OF NON-
PARTY APPLE'S STATEMENT IN
SUPPORT OF DEFENDANT META
PLATFORMS, INC.'S RESPONSE TO
ADVERTISER PLAINTIFFS' MOTION
TO CONSIDER WHETHER ANOTHER
PARTY'S MATERIAL SHOULD BE
SEALED (Dkt. 837)**

Judge: Hon. James Donato

1 I, Catherine Spevak, do hereby declare as follow:

2 1. I am a Finance Manager at Apple Inc. I have been employed by Apple since
 3 November 2021 and have held my current title since January 2023. Over the course of my
 4 employment at Apple, I have acquired personal knowledge of Apple's practices and procedures
 5 concerning the maintenance of the confidentiality of its strategic, business, and financial
 6 information.

7 2. I respectfully submit this declaration in support of Apple's Statement in Support of
 8 Meta's Response to Advertiser Plaintiffs' Motion to Consider Whether Another Party's Material
 9 Should Be Sealed, which Meta filed on August 26, 2024 in *Klein v. Meta Platforms, Inc.*, Case No.
 10 3:20-cv-08570-JD (N.D. Cal.).

11 3. The facts set forth in this declaration are true and correct to the best of my
 12 knowledge, information, and belief, and are based on my personal knowledge of Apple's policies
 13 and practices as they relate to the treatment of confidential information, materials that were
 14 provided to me and reviewed by me. If called upon as a witness in this action, I could and would
 15 testify from my personal knowledge and knowledge acquired from sources with factual foundation.

16 4. The two contracts for which Apple supports Meta's sealing requests, the Services
 17 Integration Agreement and the Side Letter to that agreement, are maintained as highly confidential.
 18 To the best of my knowledge, neither of these contracts has been publicly disclosed. The
 19 information in these contracts is highly sensitive. Moreover, because these contracts reveal terms
 20 that Apple agreed to with a counterparty, if publicly disclosed, they could prejudice Apple's
 21 competitive position by harming Apple's relationships with business partners, developers, and
 22 advertisers, putting Apple at unfair disadvantage in future business negotiations, and permitting
 23 Apple's competitors to gain an unfair advantage in competition with Apple.

24 5. The text appearing (1) in Advertiser Plaintiffs' Opposition to the Omnibus Sealing
 25 Motion (Dkt. 835 at 3:4-6, between "Apple from" and "Beyond age"), and (2) in Advertiser
 26 Plaintiffs' Motion for Class Certification (Dkt. 795/796 at 8:3-9, between "Meta and Apple" and
 27 "and a July," as well as between "Apple and Meta" and "between the two companies") contains
 28 confidential, non-public information that implicates Apple's confidentiality interests by revealing

1 contractual terms in which Apple has a reasonable expectation of confidentiality. Disclosure of
2 this non-public information may result in competitive harm to Apple, as it reveals confidential
3 contract terms, which, as detailed above, could give a competitor or potential business partner
4 unfair leverage in competing against or negotiating with Apple.

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 I declare under penalty of perjury under the laws of the United States that the foregoing is
2 true and correct.

3 Executed on August 30, 2024 at San Francisco, California.

4

5

6

7

8

9

SIGNATURE ATTESTATION

10 I, Caroline Van Ness, am the ECF User whose ID and password are being used to file this
11 document. In compliance with Civil Local Rule 5-1, I hereby attest that all counsel whose e-
12 signatures (/s/) appear on this document concurred in this filing.

13

14 DATED: August 30, 2024

By: /s/ Caroline Van Ness

15

16

17

18

19

20

21

22

23

24

25

26

27

28